

Commercial Motor Vehicle

Enforcement Quarterly



Captain's Corner

Captain Robert R. Powers, Jr.

I am pleased to announce the winners of the 2005 Michigan Association of Chiefs of Police (MACP) Award for Excellence in Commercial Vehicle Safety.

CATEGORY

1-10 Officers
11-35 Officers
36+ Officers
Sheriff's Office
State Police Post

WINNING AGENCY

No Entries
Huron Township PD
Royal Oak PD
Oakland County SO
Rockford Post

The above winners were recognized on February 9, 2006 at the MACP Mid-Winter Conference Banquet. Winning agencies were presented a plaque and \$6,000 in equipment, such as radar, lasers, in car video, and portable scales..

The number of nominations received this year was a record of 16. This award, which recognizes agencies that have implemented innovative and highly effective programs to promote commercial vehicle safety in their communities is sponsored by the MACP, the Michigan Truck Safety Commission, and the Michigan State Police.

For details about this program and a brief description of the winning agencies activities, please visit the MACP website at www.michiganpolicechiefs.org.

April 2006

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Pictured below are Michigan's Secretary of State Teri Lynn Land and yours truly presenting awards to this year's winners.



Huron Township Police Chief - Robert Metzger



Royal Oak Police Chief - Ted Quisenberry



Oakland County Under Sheriff - Michael McCabe



Rockford Post Commander - F/Lt. Steven Harper

At long last the Federal Motor Carrier Safety Administration (FMCSA) has published the results of its Large Truck Crash Causation Study. The preliminary findings can be found on FMCSA's website: www.fmcsa.dot.gov.

The study, conducted between 2001 and 2003, found that the truck driver was assigned the critical reason in 55 percent of all crashes studied. This finding is significantly different than the previously held statistic that car drivers were at fault 70 percent of the time.

The study also found that in 28.7 percent of the crashes, the truck driver was taking prescription drugs, while prescription medication was a factor 33.9 percent of the time for the car driver. Driver fatigue, speed, and following to close were also significant factors identified in this study.

FMCSA has said that it plans to further examine these and other factors identified in this study.

We continue to move forward with plans to begin the 16th Motor Carrier Recruit School on September 24, 2006. Anyone interested in a career with the Michigan State Police as a Motor Carrier Officer should contact Sgt. Peggy Hines at 517/336-6284 or by e-mail at HinesP@michigan.gov.

Suggestions or comments should be submitted to Lt. David Ford, 517-336-6449, Fax 517-333-4414, email forddw@michigan.gov
Check us on the web! www.michigan.gov/msp. You will find us under "Specialized Divisions."

INSPECTIONS - CARGO SECUREMENT

Recent guidance from USDOT/FMCSA provides some relief from the cargo securement regulations for accessory devices. The guidance, reprinted below, impacts the application of Section 393.130 of the Federal Motor Carrier Safety Regulations (FMCSR). The photos were added as examples and were not part of the original guidance document.

Question 1: If an item of construction equipment which weighs less than 4,536 kg (10,000 lb.) is transported on a flatbed or drop-deck trailer, must the accessory equipment be lowered to the deck of the trailer?

Guidance: No. However, the accessory equipment must be properly secured using locking pins or similar devices in order to prevent either the accessory equipment or the item of construction equipment itself from shifting during transport.

Question 2: How should I secure the accessories for an item of construction equipment which weighs 4,536 kg (10,000 lb.) or more, if the accessory devices would extend beyond the width of the trailer if they are lowered to the deck for transport?

Guidance: The accessory devices (plows, trencher bars, and the like) may be transported in a raised position, provided they are designed to be transported in that manner. However, the accessory equipment must be locked in place for transport to ensure that neither the accessories nor the equipment itself shifts during transport.

Question 3: A tractor loader-backhoe weighing over 10,000 pounds is being transported on a trailer. The loader and backhoe accessories are each equipped with locking devices or mechanisms that prevent them from moving up and down and from side-to-side while the construction equipment is being transported on the trailer. Must these accessories also be secured to the trailer with chains?

Guidance: No. However, if the construction equipment does not have a means of preventing the loader bucket, backhoe, or similar accessories from moving while it is being transported on the trailer, then a chain would be required to secure those accessories to the trailer.

In the photo, note the blade being secured by the drop deck. Section 393.130(b) states that it must be "secured to the vehicle," but does not specify how it is to be secured. This is an acceptable alternative under the regulations to applying tiedowns to the blade.



**Vehicle Code: New Marking and Lighting for
Agricultural Equipment**

Act 14 PA 2006 added Section 257.684a and amended Sections 257.685, 686, 688 and 695 of the Motor Vehicle Code, regarding the marking and lighting requirements for implements of husbandry. The revised statutes provide new standards for implements of husbandry manufactured on or after January 1, 2007, so this article will outline the current requirements and the future requirements separately.

Implements Manufactured prior to January 1, 2007

Section 257.686(3) states an implement of husbandry must display lighted rear lamps (during the times all vehicles must display lighting) or be followed by a motor vehicle at a distance of not more than 50 feet, illuminates the implement with the motor vehicle headlights, and the motor vehicle displays lighted rear lamps.

In addition, Section 257.695 requires all vehicles, including animal-drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, to be equipped with head or rear lamps and display those lamps at the times specified in Section 257.684.

Last, Section 257.688(g) requires all implements of husbandry to display a Slow Moving Vehicle (SMV) sign. The specifications for the SMV sign for implements manufactured prior to January 1, 2007, did not change. The SMV sign must still be displayed not less than 3 feet or more than 5 feet above the ground. In addition to the SMV sign, red reflectors or reflectorized material must be placed at the rear on each side.

In determining whether a SMV sign is required, the language in Section 257.688(g) can be confusing. The commas in the sentence separate each vehicle as being required to display a SMV sign. Another way to read the sentence is:

- Every vehicle which has a maximum potential speed of 25 OR
- An implement of husbandry, OR
- A farm tractor, OR
- Special mobile equipment

Implements Manufactured After January 1, 2007

For implements of husbandry manufactured after January 1, 2007, Sections 257.685, 686, 688, and 695 refer the reader to Section 257.684a, which was added as a result of the legislation.

Section 257.684a adopts the following standards:

- ANSI/ASAE S276.6 JAN2005 Slow Moving Vehicle Identification Emblem
- ANSI/ASAE S279.12 DEC02 Lighting and Marking of Agricultural Equipment on Highways

ANSI is the American National Standards Institute. ASAE is the American Society of Agricultural Engineers, which has been renamed and is now called the American Society of Agricultural and Biological Engineers (ASABE). The new section requires the Secretary of State to post the above standards on its web site for reference.

The SMV emblem under this standard may have backing material and be affixed to the implement, or be permanently mounted to the implement. The emblem is the same basic color and shape as the old one. The emblem is only required on implements with a maximum speed design of not more than 40 mph (a difference from the current law), and must be covered or removed when that speed is exceeded (also different from the current law).

Under the new lighting and marking standard, self-propelled implements must have two headlights, taillights, and turn signals, as well as two flashing warning lamps on the front and rear (note the lack of a requirement of a brake light). If more than 12' wide, two flashing warning lamps, both front and rear, must be displayed between 3.3'-12' high, and within 16" of the extremities of the machine.

For non-self propelled equipment, conspicuity material of various sizes and colors must be displayed on equipment that extends more than 4' to the left or right of the centerline (compliance with state traffic laws is still required). Equipment that extends more than 16.5' to the rear of the hitch point of the power unit must have an SMV sign. Warning flashers and tail lamps are required if the ones on the power unit are obscured. Non-self propelled equipment that is more than 12' wide, extends more than 25' to rear of the hitch point of the power unit, or extends more than 6' to the left or right of the centerline must display tail lamps, two amber flashing warning lamps visible to the front and rear, and turn lamps.

NEW LAWS

■ **Scanner statute:** **Effective May 31, 2006**, Act 39 PA 2006 amended section 750.508, eliminating the requirement to obtain a MSP permit to have a police scanner in a vehicle. The bill also amended the statute so that the possession of a police scanner in a vehicle is only illegal if used in the commission or attempted commission of a misdemeanor that is punishable by imprisonment of at least 93 days or a misdemeanor or felony that is punishable by imprisonment of 1 year or more.

■ **Act 181 amendment:** Effective March 9, 2006, Section 480.11a of the Michigan Motor Carrier Safety Act was amended. The revised statute added a provision that states the term "medical examiner" means that term as defined in Section 390.5 of the Federal Motor Carrier Safety Regulations (FMCSR). This legislation was part of a package to allow nurse practitioners to conduct various physical examinations in Michigan.

■ **Truck Speed:** **Effective November 9, 2006**, trucks with a gross weight of 10,000 lbs. or more, truck tractors, and truck tractors with semi-trailers or trailers can travel at 60 mph on freeways where the maximum speed limit is 70 mph. For freeways posted lower than 70 mph, the above vehicles are limited to 55 mph. Additionally, all the passenger car and trailer restrictions, including the one for the "recreational double," have been removed. Passenger cars (including pick up trucks) with trailers can travel at the posted speed limit. The minimum speed limit for all vehicles will increase from 45 mph to 55 mph.

■ **Weight Law:** The sunset date of December 31, 2006, has been removed from Section 257.722 for the agricultural commodity exemption.

■ **School Bus Speed:** **Effective November 9, 2006**, school buses can now operate at 60 mph on freeways where the posted speed limit is 70 mph. For freeways posted at less than 70 mph, school buses are limited to 55 mph maximum.

REMINDERS

◆ MDOT has extended oversize/overweight permits for all carriers whose name begins with "C" to May 1, 2006.

◆ The national Model CDL Manual contains an error regarding the tank endorsement. It fails to note that the tank endorsement is required on a Group C vehicle that is required to be placarded and has a tank (that meets the FMCSA definition).

◆ There is no exception in Michigan law for wrecker drivers from the CDL requirements. A wrecker towing a CMV must have all the required endorsements, including the passenger endorsement and hazardous materials, as appropriate.